

TESTIMONY
OF
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COUNSEL FOR THE
ALASKA ESKIMO WHALING COMMISSION
BEFORE
THE SUBCOMMITTEE ON
INTERNATIONAL ORGANIZATIONS, HUMAN RIGHTS AND
OVERSIGHT
AND
THE SUBCOMMITTEE ON
ASIA, THE PACIFIC AND THE GLOBAL ENVIRONMENT

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Chairmen and members of the committee: Thank you for inviting the Alaska Eskimo Whaling Commission to testify. Our chairman, Harry Brower, would have liked to be here. However, it is whaling season in Barrow, and he landed a whale just two days ago, so he could not make the trip. My name is Earl Comstock, and I am testifying today as counsel for the Alaska Eskimo Whaling Commission (AEWC).

The Inupiat Eskimos from the coastal villages of the northern Bering Sea, the Chukchi Sea, and the Beaufort Sea have hunted the bowhead whale for over a thousand years. Today eleven coastal villages from St. Lawrence Island in the Bering Sea to Kaktovik in the Beaufort Sea still hunt the bowhead whale to provide a critical source of nutrition for the people in these communities. All of these villages are accessible only by air or, when the ice is not there, by boat. As a result, the meat that each whale provides to these villages is an important and irreplaceable part of their annual diet. In addition, the communal cooperation required to catch and flense such a large animal is an essential part of the culture of these villages.

The Alaska Eskimo Whaling Commission was formed in 1980 by the whaling captains in response to a decision by the International Whaling Commission (IWC) in 1979 to establish a zero quota for bowhead whales. The IWC took this action based on a lack of science on the status of the bowhead stock and concern about the potential adverse impact of offshore oil development on the bowhead

stock. The IWC caused a crisis in the whaling communities that led to the creation of the AEWC. The AEWC's mission is to protect the bowhead whale and the subsistence hunt. In addition, through a cooperative agreement with the National Oceanic and Atmospheric Administration, the AEWC manages the subsistence hunt to ensure compliance by the whalers with IWC and US requirements under the Whaling Convention Act and Marine Mammal Protection Act.

When the IWC set a zero quota the elders among the Alaska Eskimo whaling captains said that, based on their traditional knowledge, the stock was in fact healthy and had been growing since commercial whaling on bowheads was stopped early in the 20th century. Western scientists and the IWC did not believe the elders, and it took many years to document with western science that what the elders said was in fact correct. With the strong support of the North Slope Borough and the scientists at the North Slope Borough's Department of Wildlife Management, the AEWC has established what is now known as the "gold standard" for subsistence whaling at the IWC and a widely praised model for indigenous subsistence resource management.

It has been a long, difficult, and expensive process for the AEWC and the whaling communities in Alaska to participate in the IWC. But they have persevered and done everything the IWC has asked and more. In setting the gold standard the AEWC has established a credible, scientific process for documenting subsistence

need; has undertaken an ongoing weapons improvement program to marry 19th century whaling tools with modern technology to improve the humaneness of the hunt; and has established some of the leading whale research on the status of the bowhead stock, including most recently a highly successful program that uses the whalers to attach satellite tags so scientists can follow the whales throughout the year. As a result of these efforts the Alaska subsistence hunt of the bowhead and the bowhead stock are the best studied in the world.

Against this background let me turn to the current state of affairs at the IWC and the legislation that Chairman Faleomavaega has introduced, H.R. 2455.

The IWC as an organization is at a crisis point. In 2012 the Alaska bowhead subsistence quota will once again be up for renewal, and already we are being told it will not be approved. I was at the 2002 IWC meeting in Shimonoseki where Japan successfully blocked renewal of the bowhead subsistence quota. That caused a crisis, and at the special meeting that was called to re-instate the quota Iceland was able to rejoin the IWC with a reservation to the commercial whaling moratorium. Our quota was up for renewal again in 2007, and it took all of the US delegation's skill and a lot of pressure from Senator Ted Stevens to ensure that the quota was renewed at that meeting in Anchorage.

Now we have an IWC that is even more fractured and dysfunctional than it was in 2002 or 2007, and we no longer have Senator Stevens. As the committee is aware, approval of a change to the IWC Schedule takes a three-fourths vote to be approved. This means that just over a quarter of the countries voting at the IWC meeting need to object to an amendment to the IWC Schedule and the amendment dies. As a result it is easy for either the pro-whaling or the anti-whaling countries to take the subsistence quota hostage whenever they want to get the attention of the US government. And that is just what they do.

Our desire to no longer be a hostage is the reason the AEWC is supportive of the current attempt to find a way forward at the IWC. The Schedule Amendment introduced by the current Chairman and Vice-Chairman of the Commission, from Chile and Antigua-Barbuda, respectively, is not perfect. However, it does form a template that could lead, with some amendments, to a workable solution. We recognize that there are many who oppose this document, and we understand their concerns. However, what is the alternative?

The status quo is a continuing stalemate, with subsistence whaling the only whaling that the IWC actually manages or debates. That has been the pattern for at least the last five years – the vast majority of the IWC's time is devoted to managing the one type of whaling that provides food for subsistence, has a minimal impact on whales stocks, and is supported by almost every country. And in the

meantime all of the whaling that is of concern to most countries, not to mention the other issues like ship strikes, bycatch, and climate change that pose real threats to many whale stocks, go unregulated and unaddressed because the IWC is unable to reach any consensus on how to move forward.

As H.R. 2455 points out in its findings, the United States has always played a leading role in whale conservation and the operation of the IWC. Because of that leadership role the bowhead quota is constantly being held hostage. This Schedule Amendment proposes to remove that weapon from everyone's arsenal by granting a 10-year subsistence quota. That will provide at least 8 years where the US can play a strong leadership role in addressing all the issues of concern to its citizens without having to moderate its position to enable passage of the subsistence quota. That is a valuable window of opportunity that the Congress should not foreclose. Used wisely, that time period could allow the US to really advance the goal of whale conservation by establishing a process for addressing ship strikes, bycatch, climate change, and other threats that are listed in the findings of the bill.

Another important aspect to consider is what would happen to the Scientific Committee if the IWC is unable to reach agreement and fractures into regional groups. The Scientific Committee represents the pre-eminent body for reviewing whale research and is essential to the credibility of the IWC. It would be an incalculable loss for whale

conservation if the dysfunction that is now gripping the IWC were to continue and result in the loss of the Scientific Committee.

The Schedule Amendment that has been introduced provides a workable template. What the United States needs to do is improve on that template. To accomplish that the US delegation to the IWC meeting in Agadir next month should be given full negotiating authority to achieve the best solution that they can that protects the subsistence quota and advances the conservation of whales. If there are areas that the Congress or the Administration feel need more work, identify them and direct the delegation to push to achieve as much of those goals as possible. But don't tie the negotiators' hands.

As someone who has participated in several international fishery negotiations, I can say from experience that you can never achieve everything at once. The key is to set up a framework that allows the US to achieve its goals in the fastest time frame possible. You have to keep pushing after the initial framework is set. The Schedule Amendment is such a framework, especially if our delegation has the negotiating authority to further improve it. By taking subsistence whaling off the table for 10 years, the US will have maximum freedom over those ten years to achieve the goals outlined in H.R. 2455.

Thank you for this opportunity to testify. I would be happy to answer your questions.